

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

FILED

12/26/2018

Clerk, U.S. District Court  
District of Montana  
Helena Division

COTTONWOOD  
ENVIRONMENTAL LAW CENTER,

Plaintiff,

vs.

RYAN ZINKE, in his official capacity  
as Secretary of the Interior; STEVE  
BULLOCK, in his official capacity as  
Governor of the State of Montana;  
MONTANA DEPARTMENT OF  
LIVESTOCK; MONTANA  
DEPARTMENT OF FISH,  
WILDLIFE, AND PARKS; DAN  
WENK, in his official capacity as Park  
Superintendent, Yellowstone National  
Park; LEANNE MARTEN, in her  
official capacity as Regional Forester,  
U.S. Forest Service; NATIONAL  
PARK SERVICE; U.S. FOREST  
SERVICE; USDA-ANIMAL &  
PLANT HEALTH INSPECTION  
SERVICE,

Defendants.

No. CV 18-12-BU-SEH

**ORDER**

On October 12, 2018, the Federal Defendants<sup>1</sup> and Steve Bullock, in his

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<sup>1</sup> The Federal Defendants are Ryan Zinke, in his official capacity as Secretary of the Interior; Dan Wenk, in his official capacity as Park Superintendent, Yellowstone National Park; Leanne Marten, in her official capacity as Regional Forester, U.S. Forest Service; the National Park Service; the U.S. Forest Service; and the U.S. Department of Agriculture-Animal & Plant

official capacity as Governor of the State of Montana (“Governor Bullock”), filed Federal Defendants’ Motion to Dismiss<sup>2</sup> and Governor Bullock’s Motion to Dismiss<sup>3</sup> with supporting briefs.<sup>4</sup> A response brief was filed on November 1, 2018.<sup>5</sup>

On November 1, 2018, Plaintiff Cottonwood Environmental Law Center (“Cottonwood”) filed Plaintiff’s Motion to Stay Briefing and Consideration of Federal Defendants’ Motion to Dismiss to Allow Discovery on Jurisdictional Defenses<sup>6</sup> and supporting brief.<sup>7</sup> Defendants filed response briefs on November 15, 2018.<sup>8</sup>

A conference call with counsel addressing motion to stay issues was held on November 20, 2018.

ORDERED:

1. Plaintiff’s motion to stay is GRANTED in part and DENIED in part

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Health Inspection Service. *See* Doc. 46 at 1.

<sup>2</sup> Doc. 47.

<sup>3</sup> Doc. 49.

<sup>4</sup> Docs. 48 and 50.

<sup>5</sup> Doc. 54.

<sup>6</sup> Doc. 52.

<sup>7</sup> Doc. 53.

<sup>8</sup> Docs. 57 and 58.

as follows:


a. Plaintiff's request to pose four Requests for Admission to Governor Bullock is GRANTED. Responses to the requests shall be served, together with copies to the Court, on or before January 25, 2019.

b. Plaintiff's requests to depose Ryan Zinke, Dan Wenk, Jack Shere, and Dr. Brian McCluskey, are DENIED.

2. The pending motions, Federal Defendants' Motion to Dismiss<sup>9</sup> and Governor Bullock's Motion to Dismiss,<sup>10</sup> are DENIED without prejudice to renewal in whole or in part, if appropriate upon submission of the responses to the Requests for Admission referenced in paragraph 1 above.

If pending motions are renewed, re-briefing of issues previously presented will not be necessary or required, except that each party may file, within 7 days of the date upon which a motion is renewed, a supplemental brief directed solely to new matters or issues not addressed in briefs previously filed.

DATED this <sup>th</sup>26 day of December, 2018.

  
SAM E. HADDON  
United States District Court

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<sup>9</sup> Doc. 47.

<sup>10</sup> Doc. 49.